

Abbe E. Nelligan, Director of Classification
MCI-Cedar Junction
South Walpole, MA.

October 7, 2005

Re: Thomas MacLeod, W-56485

Dear Director Nelligan,

Kindly accept this correspondence as my formal notification of two matters concerning my October classification hearing.

First, I am involved in intricate legal matter presently pending in the United States District Court, (U.S.D.C.). That is under 28 USC § 2254 or a petition for a writ of habeas corpus. This action is entitled MacLeod v. Nolan, U.S.D.C. No. 04-11629-PBS. This matter is claiming that the Massachusetts courts violated my constitutional rights. Pursuant to the Fed. Rules of Appellate Procedure 23 (a) and bearing the rubric of "Transfer of Custody Pending Review:", it states;

"Pending review of a decision in a habeas corpus proceeding before a court, justice, or judge of the United States for the release of a prisoner, the person having custody of the prisoner **must not** transfer custody to another unless a transfer is directed in accordance with this rule..." (emphasis added).

I have contacted the assistant attorney general assigned to this action to alert her to my class board and to ascertain if she will seek the U.S.D.C. judges permission, for my transfer.

Next, I am scheduled to see the Mass. Parole Board in November and a transfer at this time will seriously impact the paper work and other matters pertaining to my parole hearing. A move at this juncture would surely jeopardize this annual review.

Based on the above clearly articulated facticity and this proper and timely notification of the federal rules of court and my annual review, I'd appreciate if CJ officials and you as director of CJ classification would allow me to remain at CJ until these sufficiently substantial legal matters are adequately resolved.

Thank you for your courtesy in this regard.

I am,
Thomas MacLeod
W-56485
MCI-CJ

cc: file
John Marshall, CJ's "acting" Warden

Classification Report

Name: THOMAS MACLEOD

Commitment#: W56485

Class Type: Subsequent Hearing

Board Recommendation:

Date: 20051014

Level: 6 Site of Hearing: MCI CEDAR JUNCTION

Institution: SOUZA-BARANOWSKI

Vote: 3-0

Screen For: CORRECTIONAL

Chairperson: Nelligan, Abbe

Board Member 1: McDermott, Bree

Placement Site:

Security Board Member Williams, James

Board's Rational:

Continued need for a highly structured facility based upon SA related failure at Level 5. Appropriate for alterante level 6 site based upon adequate adjustment at MCI-CJ over a significant period of time and absence of any current management issues. May benefit from Interdiction Program at SBCC. Board held in absentia.

Review Date: 20060414

Reviewed By:

User(L,F,M,S): Abbe Nelligan E

Advised of Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Early Parole <input type="checkbox"/>	Work Crew <input type="checkbox"/>
Advised of Appeal Process	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Education Release <input type="checkbox"/>	PRA <input type="checkbox"/>
48 Hour Notification	Yes <input checked="" type="checkbox"/>	Waive <input type="checkbox"/>	Work Release <input type="checkbox"/>	PRA Hours
			Public Speaking <input type="checkbox"/>	Others

Classification Appeal

Reason for appeal

Superintendent/Designee Recommendation.

Level: Institution:

Date:

Screen For:

Placement Site:

Recommendation:

Reason/Condition

User(L,F,M,S):

Early Parole <input type="checkbox"/>	Work Crew <input type="checkbox"/>	Education Release <input type="checkbox"/>	Work Release <input type="checkbox"/>
Public Speaking <input type="checkbox"/>	PRA <input type="checkbox"/>	PRA Hours	Others

Superintendent/Designee Appeal Decision.

Superintendent/Designee:

Date:

Decision: